

Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-4683
Fax: 571-273-0042

Paper 1
Entered: September 1, 2011

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Reinhard Georg **Hanreich**, Heng-Tay Wu,
Michael Allen Oliver, and Dean Kent Hoglen,
(Application 09/878,661)
Junior Party,

v.

Dow Agrosiences, LLC,
(Patent 5,910,602;
Inventors: Joshua A. Chong, Fereydon Abdesaken and
Peter Osei-Gyimah),
Senior Party

Patent Interference 105,808 (RES)
(Technology Center 1600)

DECLARATION – 37 CFR § 41.203(d)

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-
identified parties. Details of the application and patent, count and claims
designated as corresponding to the count appear in Parts E and F of this
DECLARATION.

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Administrative Patent Judge Richard E. Schafer has been designated to manage the interference. 37 CFR § 41.104(a).

Part C. Standing order

A Trial Section STANDING ORDER (SO) (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for **4:00 p.m. on October 26, 2011** (the Board will initiate the call).

No later than **two business days** prior to the conference call, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (37 CFR § 41.120 & 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

A time periods for taking action during the motion phase are set in an order accompanying this declaration.

Part E. Identification and order of the parties

Junior Party

Named inventors: Reinhard Georg Hanreich,
Herng-Tay Wu
Michael Allen Oliver
Dean Kent Hoglen

Involved Application: Application 09/878,661, filed March 23, 2001

Title: Process for the Preparation of Substituted Crotonic Acid Esters

Assignee of Record: None

Senior Party

Named Inventors: Joshua A. Chong
Fereydon Abdesaken
Peter Osei-Gyimah

Involved Patent: 5,910,602 (issued from Application 09/069,395
filed
April 29, 1998)

Title: Method for Preparing 3-Amino Substituted
Crotonates

Assignee of Record: Dow Agrosciences, LLC

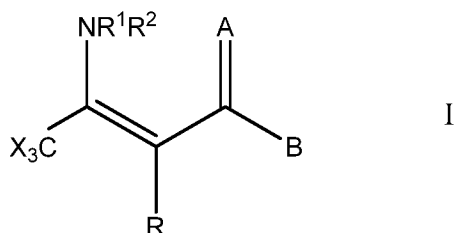
The senior party is responsible for initiating the mandatory settlement
discussions. SO ¶ 126.1.

The senior party is assigned exhibit numbers 1001-1999. The junior party is
assigned exhibit numbers 2001-2999. 37 CFR § 41.154(c)(1); SO ¶ 154.2.1.

Part F. Count and claims of the parties

Count 1

A method for the preparation in a yield greater than 80% of a 3-amino-4,4,4-trihaloacetonate compound of Formula I



wherein

X is fluoro

A is O;

B is OR⁶;

R and R¹ are H,

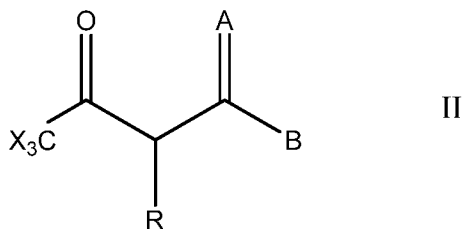
R² is methyl, and

R⁶ is (C₁-C₆)alkyl

consisting of forming and heating a mixture comprising

1. solvent,

2. a 4,4,4-trihaloacetoacetate derivative of Formula II



wherein X, R, A and B are the same as defined for Formula I, and

3. an amine or ammonium salt of a weak acid of the Formula R¹ R² NH₂⁺Y⁻ wherein R¹ and R² are the same as defined for Formula I and Y⁻ is the anion of a weak acid.

1 The claims of the parties are:

2 Hanreich Application 09/878,661: 1-10

3 Dow Agrosience Patent 5,910,602: 1-11

4 The claims of the parties that correspond to Count 1 are:

5 Hanreich Application 09/878,661: 1-10

6 Dow Agrosience Patent 5,910,602: 1-11

7 The claims of the parties that do not correspond to Count 1, and therefore are
8 not involved in the interference, are:

9 Hanreich Application 09/878,661: None

10 Dow Agrosience Patent 5,910,602: None

11 The parties are accorded the following benefit for Count 1:

12 Hanreich: None

13 Dow Agrosience: None

14 **Part G. Heading to be used on papers**

15 The following heading must be used on all papers filed in this interference,

16 see SO ¶ 106.1.1:

Filed on behalf of: *Party @.*

By: *Counsel Name(s) @*

Address @

((@)) @- @ (telephone)

((@)) @- @ (facsimile)

Email: *@@*

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Title of Paper

1 **Part H. Order form for requesting file copies**

2 When requesting copies of files, use of SO Form 4 will greatly expedite
3 processing of the request. Please attach a copy of Parts E and F of this
4 DECLARATION with a hand-drawn circle around the patents and applications for
5 which a copy of a file wrapper is requested.¹

/Richard E. Schafer/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Copy U.S. Patent 5,910,602
Copy of claims of Application 09/878,661

cc (via overnight delivery):

Attorney for Hanreich
William A. Teoli, Jr.
Syngenta Crop Protection, Inc.
Patent and Trademark Dept.
410 Swing Road
Greensboro, NC 27409

Attorney for Dow Agrosciences
Dow Agrosciences LLC
9330 Zionsville Rd
Indianapolis IN 46268

¹ This procedure applies only to the files of the involved patent and application and any files for which benefit has been accorded. Other files should be ordered directly from the Office of Public Records.